

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ISCAVO AVOCADOS USA, LLC,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	7-18-cv-00144
	§	
	§	
CORAM DEO FARMS, INC.,	§	
OSCAR LOPEZ, AND	§	
ADRIAN PRYOR,	§	
	§	
Defendants.	§	
	§	

NOTICE OF REMOVAL

Defendant ADRIAN PRYOR (“**Defendant**”) files his *Notice of Removal* of this civil action to the United States District Court for the Southern District of Texas, McAllen Division, as follows:

1. On February 20, 2018, Plaintiff ISCAVO AVOCADOS USA, LLC (“**Plaintiff**”) filed an Original Petition in County Court at Law No. 2, Hidalgo County, Texas, commencing an action styled Iscavo Avocados USA, LLC v. Coram Deo Farms, Inc., Oscar Lopez and Adrian Prior (the “**State Court Action**”), on February 20, 2018. Defendant has not been served with citation in the State Court Action.
2. On about April 13, 2018, Defendant learned, for the first time, of the filing of the State Court Action.
3. This is a civil action based on Plaintiff’s contention that, among other things, Defendant is liable under the Perishable Agricultural Commodities Act, as amended, 7 U.S.C. § 499e (“**PACA**”).

4. Removal is proper because this action involves a federal question—alleged violations of the PACA. The entire suit is removable under 28 U.S.C. §1441(a). Removal is timely pursuant to 28 U.S.C. §1446(b) because Defendant has filed this Notice of Removal within 30 days of when Defendant first ascertained that this lawsuit is one which is or has become removable after receipt of pleadings in the State Court Action which were sent to him by certified mail, return receipt requested, on or about April 13, 2018. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

5. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, orders and other papers filed in this action and obtained by Defendant are attached hereto and marked as composite **Exhibit “1”** and incorporated herein by reference.

6. A copy of this Notice of Removal has been sent to Plaintiff and will be filed with the clerk of the State Court Action.

7. To Defendant’s knowledge a jury demand was not made in State Court Action.

WHEREFORE, based on the forgoing, Defendant requests that this Court assume full jurisdiction over these proceedings as provided by law.

Date: May 9, 2018.

Respectfully submitted,

MALONE AKERLY MARTIN PLLC

/s/ Bruce W. Akerly
Bruce W. Akerly
State Bar No. 00953200
bakerly@mamlaw.com

Northpark Central, Suite 1850
8750 North Central Expressway
Dallas, Texas 75231
TEL: (214) 346-2636
FAX: (214) 346-2631

COUNSEL FOR DEFENDANT ADRIAN PRYOR

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to the following party via electronic transmission, Certified Mail, return receipt requested, and First Class Mail, postage prepaid on the 9th day of May, 2018:

Jeffrey A.Hiller
Cacheaux Cavazos & Newton LLP
333 Convent
San Antonio, Texas 78205

Marissa Sandoval
Cacheaux Cavazos & Newton LLP
1401 N. Main Street
McAllen, Texas 78501

/s/ Bruce W. Akerly

Bruce W. Akerly